



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,117	01/28/2004	Goran Pantzar	024445-446	9711

55694 7590 01/30/2006

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

ROSS, DANA

ART UNIT PAPER NUMBER

3722

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,117

Applicant(s)

PANTZAR, GORAN

Examiner

Dana Ross

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-14 is/are rejected.
- 7) ☐ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The objection to the drawings is withdrawn due to Applicant's Amendment filed 11 January 2006.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 10, it is not clear if each tool body includes "first and second end surfaces" or if the first and second tool bodies include first and second tool bodies respectively. For the purpose of this examination, the first and second tool bodies will include first and second tool bodies, respectively.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,607,263 (Nespeta et al., hereafter '263).

'263 teaches first and second bodies 14, 12 (see figure 4, for example), the first tool body 14 with a male member (area 22 of figure 4) and the second tool body 12 with a female member (area 50 of figure 4); outer and inner interengaging guide surfaces (see fig. 11 below); the male and female parts having a generally triangular cross section (see figures 1 and 3, for example); a force applying screw 16 (see figure 4, for example).

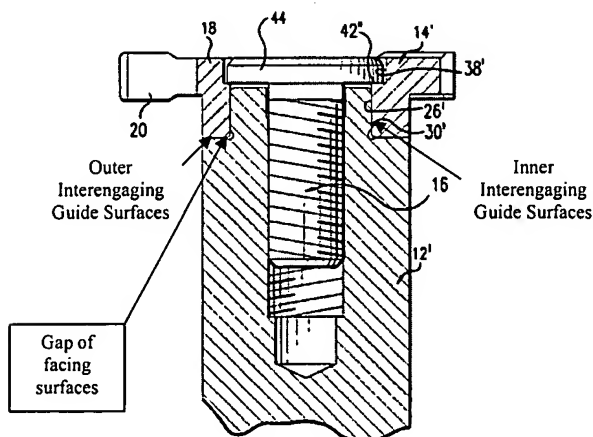
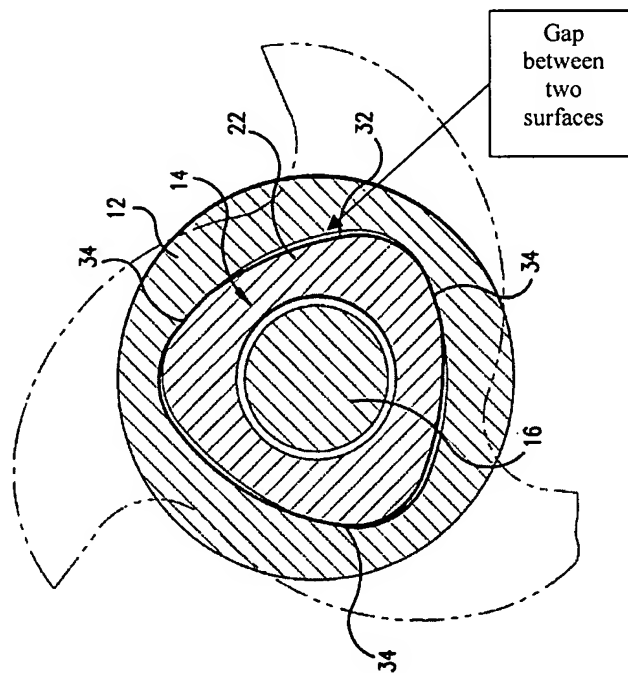


FIG. 11

Art Unit: 3722

Regarding claim 1, as is seen in the above annotated Figure 11, and below Figure 6, '263 teaches the first and second tool bodies (12, 14) with first and second end surfaces facing each other in a non-contacting relationship when the tool bodies are connected (see also Figure 4 in the area located between the tools for another area of non-contact).



Regarding claim 13, figure 4 shows a chamfer above the threaded portion of the screw 16.

Art Unit: 3722

6. Claims 1 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,026,224 (Andersson et al., hereafter '224).

'224 teaches first and second tool bodies 10, 12 (see figure 1a, 1b, for example) with male and female parts, outer and inner inter engaging guide surfaces (see figure 1a, 1b); triangular cross sections (fig. 1a); clamping means 19 with a chamfer (see fig. 7a, for example).

Regarding claim 1, '224 teaches end surfaces facing each other and in non-contacting relationship with the first and second tool bodies when connected (see figures 5C and 4C, for example).

Allowable Subject Matter

7. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art neither anticipates nor renders obvious a rotary tool as claimed in the combination of independent claim 1 and dependent claim 2.

The closest prior art is '263 and '224 as is discussed in detail in the above rejections.

Neither '263 nor '224 teach the combination of limitations of claims 1 and 2. Therefore neither '263 nor '224 anticipate the claimed invention.

Furthermore, there is no prior art, either alone or in combination with either '263 or '224 that would render obvious the claimed invention, and no motivation found to

Art Unit: 3722

modify either '263 or '224 to obtain the claimed invention. Furthermore, to modify either '263 or '224 to obtain the claimed invention of combined claims 1 and 2 would require hindsight, and furthermore would destroy the workability of the invention of both '263 and '224.

Response to Arguments

8. Applicant's arguments and amendment to claim 1 filed 11 January 2006 have been fully considered and were persuasive in regards to Shubert, but are not persuasive in regards to Nespeta or Andersson.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

However, in an attempt to expedite prosecution, Examiner notes that the broad limitation of "end surfaces" can be read as being any "end surface".

Art Unit: 3722

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480.

The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



dmr



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER